

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRELL E. NEWMAN,

)

4:13CV3097

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Plaintiff,

)

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v.

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**MEMORANDUM
AND ORDER**

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MIKE MYERS, Director of Douglas
County Correction,

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)

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Defendant.

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This matter is before the court on its own motion. On May 7, 2013, Plaintiff filed his Complaint in this matter along with a Motion for Leave to Proceed in Forma Pauperis (“IFP”). (Filing Nos. [1](#) and [2](#).) On June 5, 2013, the court granted Plaintiff’s IFP Motion and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [6](#).) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by July 5, 2013. (*Id.*)

The July 5, 2013, deadline has passed and Plaintiff has not paid the initial partial filing fee in this matter. (See Docket Sheet.) Therefore, Plaintiff’s case is dismissed for failing to comply with the court’s orders. See [Fed. R. Civ. Pro. 41\(b\)](#); see also [Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 \(8th Cir. Sept. 21, 2004\)](#) (affirming district court’s dismissal of inmate’s case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Complaint (filing no. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court’s orders.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 19th day of July, 2013.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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